

Utility Line Disruption

NEW ADOPTED 2-7-77

CHAPTER 7-B

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Article 1. In GeneralSec. 7B-1 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

Blasting. The use of an explosive to excavate.

Contractor. Any person, including a sub-contractor, who contracts with an operator or property owner, public or private, for the purpose of engaging in, at least, excavation, demolition or blasting.

Emergency. Any condition which may cause an interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. (Emergency is classified as less severe than Hazardous.)

Demolition. The razing of any structure above the existing grade, or the demolition of any structure below the existing grade.

Excavate. The movement or removal of earth, using mechanized equipment or blasting, and includes auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunnelling.

Hazardous. Any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. (Hazardous is classified as more severe than Emergency.)

Mechanized Equipment. Powered equipment used to excavate, and includes equipment used for plowing-in or pulling-in cable or pipe.

Operator. Any person who furnishes or transports any of the following materials or services by means of a utility line:

- (1) flammable, natural, toxic or corrosive gas.
- (2) petroleum, petroleum products and hazardous liquids.
- (3) electricity.
- (4) sanitary sewer.
- (5) communications.
- (6) water.

Person. Any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

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Property Owner. Any person who owns fee title to or leases a given area of land, excluding, however, any recorded easement or right-of-way.

Utility Line. Any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports material or services.

Working Days. Monday through Friday, excluding, however, any public and legal holidays.

Sec. 7B-2 Violations.

(a) Whoever violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punishable by a criminal penalty not to exceed thirty (30) days imprisonment or by a fine not to exceed three hundred dollars (\$300.00) or both. Each day a violation of this Chapter shall continue shall constitute a separate offense.

(b) If, during excavation or demolition, an underground utility line is damaged by any person who has failed to comply with any provision of this Chapter, any permit(s) acquired through the Town of Vienna to perform work related to said excavation or demolition (including permits for building, grading, blasting, plumbing, electrical and/or mechanical) may be revoked and any fees paid to the Town for said permit(s) may be forfeited. In order to continue work, a new application for permit(s), if revoked, must be filed; plans of the proposed excavation or demolition must be re-examined; the location of all existing utility lines must be verified in writing by each operator having facilities in the area of proposed excavation or demolition; and new fees, if forfeited, must be paid.

(c) Any person who is convicted of violating any provision of this Chapter which resulted in damage to an existing utility line, shall be subject to suspension or revocation of any license(s) or permit(s) issued by the Town of Vienna to perform related work for a period not to exceed twelve (12) months if so convicted two or more times within a twelve (12) month period. Furthermore, no subsequent permits or licenses to perform said related work shall be issued to such convicted persons during that suspension or revocation period.

Sec. 7B-3 Severability.

If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this act and the applicability thereof to other persons and circumstances is not affected thereby.

Sec. 7B-4 Applicability of Existing Ordinances.

No provision of this Ordinance shall exclude any person from complying with the requirements and provisions of any existing Ordinances including those of the Town of Vienna, the State Corporation Commission of Virginia, the Office of Pipeline Safety of the U.S. Department of Transportation, or the U.S. Department of Labor.

Sec. 7B-5 Administration and Enforcement.

The administrative authority of this Chapter shall be the Director of the Department of Public Works and such duly authorized agent(s) as may be authorized by him, any one of whom may perform the tasks and may make inspections required by this Ordinance, and may take such steps as may be reasonably necessary to enforce its provisions.

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Article 2. The ContractorSec. 7B-6 Exceptions.

(a) The requirements of Article 2 shall not apply to any property owner, who, without the aid of a contractor, is performing work within the boundaries of his property which does not require the acquisition of any permit issued by the Town.

(b) The requirements of Section 7 of this Ordinance shall not apply to any person acting as or for the operator of a damaged line in making repairs to its own underground facilities or repairs to the streets or alleys themselves in a condition of emergency when such repairs must be made within a shorter period of time than that provided for in Section 7(a) of this Ordinance, provided, however, that this exemption from obtaining information shall not excuse the person making the excavation from any liability for damages caused by his negligence.

Sec. 7B-7 Demolition or Excavation - Prior Notice.

(a) Contractors shall notify all operators who maintain underground utility lines in the area of the proposed excavation or blasting, at least two (2) working days, but not more than ten (10) working days prior to commencement of said excavation or demolition. This notification shall consist, at least, of the following:

- (1) The contractor's name and telephone number.
- (2) The name of the person for whom the proposed work is being done.
- (3) The date and approximate time work is to commence.
- (4) The location and approximate depth of proposed work.
- (5) The nature of work to be done.
- (6) The contractor's field representative or field contact, if any.
- (7) Any special remarks.

(b) The telephone number(s) to be utilized for serving notice to operators as required in Section 7(a) above shall be located at least on the approved site plan, subdivision plan, or engineering plan which is to be at the site during excavation or demolition as required in Section 8(c) of this Ordinance.

(c) It shall be unlawful for any contractor to commence excavation or demolition on any property without first receiving clearance for excavation from each operator as provided in Section 9(a) of this Ordinance.

Sec. 7B-8 Demolition or Excavation - Performance.

(a) Verification that rough grading is to within six (6) inches of finished grade must be provided to the operator in writing by the contractor or property owner before such operator shall commence excavation for the installation of its utility lines.

(b) When excavation approaches the estimated location of any existing utility line(s), which shall have been previously located horizontally as provided in Section 9(a) of this Ordinance, the exact location of such existing utility line(s) must be determined by adequately exposing same by hand digging within the proposed limits of excavation before excavation may resume. To prevent damage to such exposed existing utility line(s) or the protective coating thereof, proper supports shall be provided where required.

(c) Any contractor performing excavation or demolition is required to have an approved site plan, subdivision plan or engineering plan indicating the plan view of all known existing and proposed utility lines (with exception of house service laterals) at the site during excavation or demolition.

(d) Any person who is designated to operate mechanized equipment for the purpose of excavation or demolition shall not perform such excavation or demolition until he has examined the plan(s) provided in Section 8(c) of this Ordinance.

(e) The act of obtaining information as required by this Chapter shall not excuse any person making any excavation or demolition from doing so in a careful and prudent manner, nor shall it excuse such person from liability for any damage resulting from his negligence.

Article 3. The OperatorSec. 7B-9 Excavation.

(a) An operator who receives notification of a proposed excavation pursuant to Section 7(a) of this Ordinance and who has received, if applicable, verification of site grading pursuant to Section 8 (a) of this Ordinance, shall provide clearance for excavation to the contractor before such excavation may commence by:

- (1) At least one hour prior to the commencement of the proposed excavation, horizontally locating its utility lines at the site, and notifying the contractor that this marking has been accomplished, or
- (2) Notifying the contractor that the proposed excavation will not affect its existing utility lines.

(b) Horizontal location of utility lines at the site of excavation shall consist of a permanent marking system approved by the Office of Pipeline Safety of the Department of Transportation, or the State Corporation Commission of Virginia, or a temporary marking system approved by the Director of County Development, clearly and definitely indicating the horizontal location of the operator's facilities.

(c) In order to expedite horizontal location of utility lines, each operator shall:

- (1) Provide locating services to mark all facilities affected by the excavation.
- (2) Provide to designing engineers horizontal location data on its utility lines prior to field survey for designing new work so that such information on existing utility lines may be included in survey notes.
- (3) Have the option to allow the locating crew of another operator to horizontally locate said facilities provided clearance to do so has been given in writing.
- (4) Indicate the horizontal location of their utility lines on a site map if requested by the contractor.

(d) When trenches excavated for the installation of gas pipelines are backfilled, a continuous tape, or similarly effective device, shall be installed after tamping eighteen (18) inches above all direct burial plastic mains and twelve (12) inches above services, stubs and stub extensions.

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The tape shall be not less than three (3) inches wide, brilliant in color and imprinted with words clearly defining the utility line as "GAS". The tape shall be impregnated with metal so that locating equipment can readily pick it up. The remainder of the backfill may then be placed.

(e) When repairs are made to underground gas pipelines, and/or the tape and related requirements as provided in Section 9 (d) above have been disrupted or severed during excavation, such tape shall be installed or replaced at the completion of repairs prior to backfilling.

Sec. 7B-10 Demolition.

(a) An operator who receives notification of a proposed demolition pursuant to Section 7(a) of this Ordinance shall insure clearance for demolition by:

- (1) Disconnecting, or causing to be disconnected, as agreed upon by the operator and contractor, all of its utility lines to the structure to be demolished, as well as capping where necessary.
- (2) Advising the contractor of the appropriate means of assuring adequate protection for its other utility lines in the vicinity which might be subject to unusual stress during the demolition.
- (3) Notifying, or causing to be notified, the contractor that such disconnection has been accomplished or that its utility lines will not be affected by such demolition.

Sec. 7B-11 Standards and Procedures

(a) The horizontal location of all existing underground utility lines and those underground utility lines proposed by any operator shall be indicated on all site plans, subdivision plans, or engineering plans prior to County approval.

(b) Depending upon the size and importance of the utility line to be affected, the affected operator shall determine whether or not an inspection by its representative at the site of excavation is necessary during the crossing of its utility lines.

(c) Meetings shall be scheduled by the Director of Public Works to be held at least quarterly. Those in attendance shall be utility operator, contractor and County representatives. Proposed projects of excavation or demolition, problems incurred on excavation projects during the previous time period and any other information pertaining to the operation of the Ordinance may be discussed.

(d) Pre-construction meetings between contractors and utility operators should be scheduled prior to all excavation projects involving an entire neighborhood as defined by Fairfax County tax map "double circle" designations greater than "1".

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Article 4. Hazardous and Emergency ProceduresSec. 7B-12 The Contractor.

(a) Communication between the job site and the contractor's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the Director of Fire and Rescue Services.

(b) When any person damages a utility line, or the protective coating thereof, or accidentally exposes or severs a utility line during excavation or demolition, an emergency condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.

(c) When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the Emergency Operations Center of Fairfax County shall be immediately notified.

(d) Contractors shall display in plain sight on the instrument or control panel, or dash of all trucks and mechanized equipment operated by them, the current telephone number(s) which is to be utilized to serve hazardous-condition notice as required in Section 12 (c) above.

(e) The telephone numbers to be utilized in serving emergency-condition notice as required in Section 12 (b) above shall be located at least on the approved site plan, subdivision plan, or engineering plan which is to be at the site during excavation or demolition as required by Section 8 (c) of this Ordinance.

(f) It shall be unlawful to backfill around a damaged utility line as described in Section 12(b) or (c) above until the operator of said utility line has been notified of such incident and has repaired the damage and/or has given clearance to backfill in writing.

(g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in Section 7 (a) of this Ordinance is given as soon as reasonably possible.

Sec. 7B-13 The Operator.

(a) All operators shall make available on a 24-hour basis adequate emergency response crew(s) including answering personnel, radio dispatchers, appliance servicemen and utility repair crews capable of performing all work tasks necessary to cope with emergency or hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one hour maximum to emergency scene during other than work hours) and the number and frequency of experiences recorded.

(b) All reports of hazardous conditions received by operators shall be reported immediately to the Emergency Operations Center of Fairfax County and all reports of hazardous conditions received by the Emergency Operations Center of Fairfax County shall be reported immediately to the appropriate operator.

(c) Emergency shut-off valves shall be provided for all new gas service line installations such that:

- (1) All gas services supplying inside meters shall be equipped with an outside shut-off at the curb or property line. Access shall be through a stop-cock box, the top of which is flush with the surrounding grade.
- (2) Steel or copper services to outside meters shall be equipped with an outside shut-off as provided in Section 13 (c) (1) of this Ordinance and an above ground shut-off at the meter.
- (3) Plastic services to outside meters shall be equipped with an outside shut-off at the meter.

(d) The decision to shut off a utility line during a hazardous condition shall be vested in an appropriate representative of the utility company concerned. When time permits, the Town Manager of Vienna or his designated representative shall be notified before the operator decides whether or not to shut off a utility line during a hazardous condition.

(e) When adequate operator emergency response crews are not available during a hazardous condition, the operator involved shall employ the Fire and Rescue Services Department of Fairfax County to take the necessary action to shut off specific utility line valves or breakers serving the area.

- (1) In order to facilitate this, the Fire and Rescue Services Department shall have knowledge of and access to emergency shut-off valves and breakers. In addition, effective ninety (90) days after the adoption of this Chapter, the appropriate staff of that Department shall be trained in the use of implements employed to shut off a utility line during a hazardous condition. Information and training is to be provided by and through the cooperation of utility operator representatives.
- (2) Only the appropriate utility line representatives shall be permitted to reopen any valve or breaker which was closed during such a hazardous condition and only after a thorough check has indicated that it is safe to place the affected lines back into service.

- (3) The provisions of this subsection shall not be mandatory upon the operators of flammable, natural, toxic or corrosive gas transmission pipelines.

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